

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, STATE OF ARIZONA,
STATE OF CALIFORNIA, STATE OF
CONNECTICUT, STATE OF ILLINOIS, STATE
OF MAINE, COMMONWEALTH OF
MASSACHUSETTS, STATE OF MINNESOTA,
STATE OF NEW HAMPSHIRE, STATE OF NEW
JERSEY, COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION, and STATE
OF VERMONT,

Plaintiffs,

v.

STEPHEN L. JOHNSON, in his official capacity as
Administrator of the U.S. Environmental Protection
Agency, and the U.S. ENVIRONMENTAL
PROTECTION AGENCY,

Defendants.

X

Case No. 1:07 cv 10632 (BSJ) (DCF)

ECF Case

*As the government does not
oppose this motion (without waiver
of its right to argue that the
documents in question are irrelevant
and/or immaterial), the motion
is granted.*

SO ORDERED: DATE: 8/15/08

Debra Freeman
.....
DEBRA FREEMAN
UNITED STATES MAGISTRATE JUDGE

X

**PLAINTIFFS' MOTION TO SUPPLEMENT
THE ADMINISTRATIVE RECORD**

Plaintiffs the State of New York, the State of Arizona, the State of California, the State of Connecticut, the State of Illinois, the State of Maine, the Commonwealth of Massachusetts, the State of Minnesota, the State of New Hampshire, the State of New Jersey, the Commonwealth of Pennsylvania, Department of Environmental Protection, and the State of Vermont (collectively, the "Plaintiff States") respectfully move this Court to order that the administrative record for review by the Court in this matter be supplemented with the following six documents: EPA's two October 2003 information collection request supporting statements; EPA's September 24,

2003 and January 20, 2004 memoranda discussing the burden estimates found in the two October 2003 information collection request supporting statements; and EPA's two October 2005 information collection request supporting statements.

For the reasons that this motion should be granted and the documents that are the subject of the motion, the Plaintiff States respectfully refer the Court to the memorandum of law in support of this motion and the exhibits thereto, filed herewith, and the declaration of Andrew G. Frank in support of this motion and the exhibits thereto, filed herewith.

Dated: June 6, 2008

Respectfully submitted,

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